

# The Law Firm of Richard M. Baron

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RICHARD M. BARON\*

Fax and regular mail

May 20, 2008

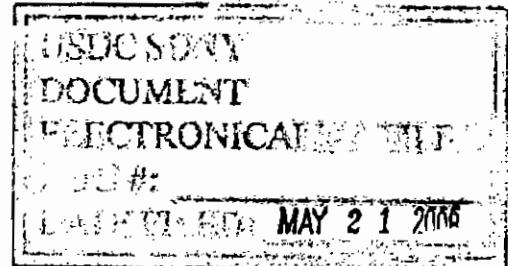
Honorable Laura T. Swain, U.S.D.C.  
 United States District Court, Southern District of New York  
 Daniel Patrick Moynihan United States Courthouse  
 500 Pearl St., Room 755  
 New York, NY 10007

## MEMORANDUM ENDORSED

The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.

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**Re:** The Phoenix Insurance Co. a/s/o Visual Graphic Systems, Inc. v. DHL Express (USA), Inc.;  
Civil Action No. 07-cv-1177-LTS

Dear Judge Swain:

Kindly accept this letter on behalf Defendants Con-Tech Painting, Inc. and Stamack Construction, LLC. The purpose of this letter is to request an adjournment of the preliminary conference scheduled for Friday, May 23, 2008. I have the consent of plaintiff's counsel for the making of this request, although I did not speak to counsel for the remaining defendant.

The underlying dispute in this matter pertains to insurance company reimbursement for property damage claims asserted by plaintiff through its subrogation rights. Ordinarily, this firm is counsel for one of the corporate defendants, Con-Tech Painting, Inc., and Con-Tech furnished insurance from Zurich, NA relating to this claim. Stamack Construction, LLC was an additional insured. We do not represent either entity as retained counsel by Zurich.

Due to a mix-up, Zurich's personnel mistakenly thought that this office had been retained by Zurich. This was just discovered today, and Zurich is now in the process of obtaining counsel who can appear throughout the course of this litigation.

Since it may well be a waste of the time and assets of the Court and the parties to have a conference until this problem is resolved, I would request an adjournment of at least a few weeks' time.

Respectfully submitted,

*Richard M. Baron*

Richard M. Baron

Cc: Robert Sheps, Esq.  
 Fernando Pinguelo, Esq.  
 Zurich, NA

*The conference is adjourned to July 17, 2008, at 2:30 pm.*

SO ORDERED.

*Laura Taylor Swain*  
 LAURA TAYLOR SWAIN  
 UNITED STATES DISTRICT JUDGE